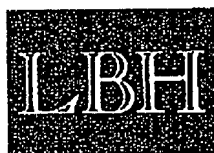


2007-11-02 23:38:48 (GMT)

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1814

November 2, 2007

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Mail Stop 16  
Director of the USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Refund of Patent Fee Overpayment

Dear Sir or Madam,

It has come to our attention that Levine Bagade Han LLP is due credit in the amount of \$65.00. Below is an explanation of the credit.

U.S. Application No. 10/810,276  
Our Docket No. ASTXNA00101  
Fee paid via American Express: \$130  
Date Charged: October 31, 2007  
Amount due to be credited: \$65

It is believed the error in fee amount is due to an over payment for a statutory disclaimer (terminal disclaimer) fee code 2814 for a small entity pursuant to §37 CFR 1.20(d) via EFS-Web on October 31, 2007. The FY 2008 Fee Schedule effective September 30, 2007 clearly indicates the following fees for a statutory disclaimer:

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Ret Issuance Fees				
1814/2814	1.20(d)	Statutory disclaimer	130.00	65.00

EFS-Web would not allow payment of a small entity fee for statutory disclaimer.

Accordingly, please credit the overpayment of \$65.00 to American Express credit card number 3715 370443 81012, as this was the original method of payment.

**LEVINE BAGADE HAN LLP**

November 2, 2007  
Page 2 of 2

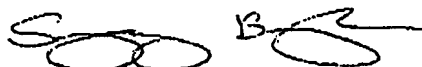
Application No.: 10/810,276

Support for this credit can be found in the attached documents, which include:

1. Electronic Acknowledgement Receipt for 10/810,276 indicating the statutory disclaimer fee (\$130) was submitted upon filing via EFS
2. Electronic Patent Application Fee Transmittal for 10/810,276 indicating the fee code 1814 in the amount of \$130 was paid upon filing even though a small entity was designated.

I thank you in advance for your attention in this matter. Please feel free to contact me with any questions or comments regarding this refund request.

Sincerely,



Sanjuy S. Bagade  
Registration No. 42,280

Enclosures

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	10810276			
<b>Filing Date:</b>	26-Mar-2004			
<b>Title of Invention:</b>	Method of treating airways in the lung			
<b>First Named Inventor/Applicant Name:</b>	Michael D. Laufer			
<b>Filer:</b>	Sanjay S. Bagade/Quyen Nguyen			
<b>Attorney Docket Number:</b>	ASTXNA00101			
Filed as Small Entity				
<b>Utility      Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>	Adjustment date: 12/05/2007 MGE BREM1 11/01/2007 INTEFSW 00000168 10810276 01 FC:1814 -130.00 OP			
<b>Patent-Appeals-and-Interference:</b>	12/05/2007 MGE BREM1 00000005 10810276 01 FC:2014 65.00 OP			
<b>Post-Allowance-and-Post-Issuance:</b>				
Statutory disclaimer	1814	1	130	130
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total In USD(\$)
<b>Miscellaneous:</b>				
Request for continued examination	2801	1	405	405
<b>Total in USD (\$)</b>				<b>535</b>

RF

**Application Number Information**

Application Number: 10/810276

Examiner Number: 64380 / SHAY, DAVID**Assignments**Filing or 371(c) Date: 03/26/2004 eDanGroup Art Unit: 3735IFW Madras

Effective Date: 03/26/2004

Class/Subclass:  
607/088.000Waiting for Response  
Desc.

Application Received: 03/29/2004

Lost Case: NO

Pat. Num./Pub. Num: /20050010270

Interference Number:

Req for Continue

Issue Date: 00/00/0000

Unmatched Petition: NO

Mail Non Final

Date of Abandonment: 00/00/0000

L&R Code: Secrecy Code:1

Attorney Docket Number: ASTXNA00101

Third Level Review: NO

Secrecy Order: NO

Status: 41 /NON FINAL ACTION MAILED

Status Date: 08/22/2007

Confirmation Number: 8525

Oral Hearing: NO

Title of Invention: **METHOD OF TREATING AIRWAYS IN THE LUNG**

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location
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Appln  
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**FAX**

To:	Commissioner for Patents	From:	Sanjay S. Bagade Reg. No. 42,280
Fax:	(571) 273-8300	Pages:	4 (including cover page)
Phone:		Date:	November 2, 2007

**Comments: REFUND OF PATENT FEE OVERPAYMENT****Application No.:** 10/810,276**Confirmation No.:** 8525**Filing Date:** March 26, 2004**Title:** METHODS FOR TREATING AIRWAYS IN THE LUNG**Inventor(s):** Michael D. LAUFER**Examiner:** David M. Shay**Group Art Unit:** 3735**Attorney Docket No.:** ASTXNA00101**Papers attached:**

1. Transmittal Sheet – 1 page
2. Letter re Request for Refund of Patent Fee Overpayment – 2 pages

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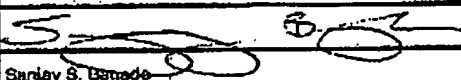
NOV 02 2007

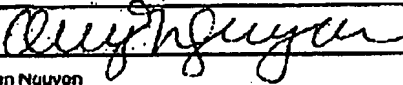
PTO/SB/21 (10-07)

Approved for use through 10/31/2007 OMR 0051-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/810,276
	Filing Date	March 26, 2004
	First Named Inventor	Michael D. LAUFER
	Art Unit	3735
	Examiner Name	David M. Shay
	Attorney Docket Number	AGTXNA00101
Total Number of Pages in This Submission		3

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Levine Bagade Han LLP	
Signature		
Printed name	Stanley S. Bagade	
Date	November 2, 2007	Reg. No. 42,280

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Ouyen Nguyen
Date	November 2, 2007

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